

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEONARDO RIVERA,
Plaintiff,

CIVIL ACTION

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security
Administration,
Defendant.

NO. 14-6176

ORDER

AND NOW, this 29th day of April, 2016, upon consideration of plaintiff's Complaint (Doc. No. 3, filed November 4, 2014), defendant's Answer (Doc. No. 10, filed February 12, 2015), plaintiff's Brief and Statement of Facts in Support of Request for Review (Doc. No. 14, filed May 1, 2015), defendant's Response to Request for Review of Plaintiff (Doc. No. 15, filed June 2, 2015), plaintiff's Reply Brief (Doc. No. 18, filed June 15, 2015), the Report and Recommendation of United States Magistrate Judge M. Faith Angell dated January 29, 2016, plaintiff's Objections to Report and Recommendation (Doc. No. 23, filed February 14, 2016), and defendant's Reply [sic] to Plaintiff's Objections to Report and Recommendation (Doc. No. 25, filed February 29, 2016), for the reasons set forth in the accompanying Memorandum dated April 29, 2016, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge M. Faith Angell dated January 29, 2016, is **REJECTED**;
2. Plaintiff's Objections to Report and Recommendation are **OVERRULED** as **MOOT**;

3. The decision of defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration, is **REVERSED** pursuant to the fourth sentence of 42 U.S.C. § 405(g) and plaintiff is **AWARDED** the benefits sought;

4. The case is **REMANDED** to the Acting Commissioner for the sole purpose of calculating the benefits owed to plaintiff;

5. Judgment is **ENTERED** in favor of plaintiff, Leonardo Rivera, and against defendant, Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** this case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.